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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,583	LEONARDI, RICCI J.	
	Examiner	Art Unit	
	Rashan O. Patterson	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 5/12/06 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive.

Applicant states Yuyama et al. teaches away from duplex printing a sheet having peel off labels. Yuyama et al. is relied upon to print and not duplex. Yuyama et al. show printing on different media i.e. (bag, insert) (Fig. 13, 14; Col 4 lines 10-12, Col. 7 lines 60-64). It is old and well known in the art that a printing apparatus can be modified to perform duplex printing and to print on different media i.e.. Griffiths et al. (Fig. 7, Col.6 lines 62-66) or Tung et al. (Col. 5 lines 7-12)

Applicant also states that Yuyama teaches away from using a sheet having peel off labels because the purpose of using a peel off label is to attach the peel-off label to an intended object, such as a drug container. Yuyama et al. (Fig. 13,14; Col. 7 lines 60-65) can easily incorporate using peel off label to adhesively attach medical information onto the bag or other surface (a vile containing the medicine, medical charts, etc.) as needed by the doctor or patient as opposed to printing directly on the medical bag or inserting the sheet with in the medical bag.

The applicant also states Yuyama et al teaches away from using peel off labels because cautionary information is already disposed within it is intended target, i.e., the medicine bag and its contents. Yuyama et al. shows printing on different media i.e. (bag, insert) (Fig. 13, 14; Col 4 lines 10-12, Col. 7 lines 60-64). It is old and well known

in the art that a printing apparatus can be modified to print on peel off labels i.e.. Griffiths et al. (Fig. 7, Col.6 lines 62-66) or Tung et al. (Col. 5 lines 7-12)

The applicant also states Tung et al. fails to disclose a motivation or suggestion to modify its own invention t o produce the claimed combination or to modify or combine any of the elements taught in Yuyama et al. and Griffiths et al. The motivation for combining Tung et al. with the elements of Yuyama et al. and Griffiths et al. are apparent. Although Tung et al. discloses data to be handwritten implementing a controller, database and printer would be an obvious modification in that this would save significant time and in allowing the pharmacist to perform other tasks instead of burdening the pharmacist with handwriting information on the label.

Regarding the applicants arguments for claims 5 and 15, Griffiths et al. discloses a sheet having a pair of fold lines dividing the sheet into sections and a first area disposed on a single section containing a pair of peel-off-labels. Peel-off labels 17 and 19 are disposed on a single section (the combination of 17 and 19) contained in the first area (the combination of 20, 17 and 19). Moreover, the fact that Griffiths discloses two peel-off label sections is enough reason to combine Tung et al. Yuyama et al. and with Griffiths to obtain the inventions specified in claims 5 and 15. Therefore claims 5 and 15 remain rejected under the combination of Tung et al. Yuyama et al., and Griffiths et al.

Regarding the applicants arguments for claims 8 and 17, Richardson discloses an obverse face and a reverse face of sheet (Fig. 2-3; Col. 2 lines 30-61). Although Richardson does not specifically disclose printing medical information, it is inherent that

a system capable of printing information on a sheet can also print medical information on the sheet. Therefore claims 8 and 17 remain rejected under the combination of Tung et al. Yuyama et al., and Griffiths et al.

Regarding claims 10 and 19 Bellesfield et al. discloses a database containing places of interest. It is well known that location specific data associated with the selected medicine can be stored within this database a place of interest such as a specific pharmacy or drug store. Therefore claims 10 and 19 remain rejected under the combinations of Tung et al. Yuyama et al., Griffiths et al. and Bellesfield et al.

Regarding the applicants arguments for claims 9 and 18, it is old and well known that a digital image can be transferred to a sheet. Therefore the image shown by Lourette et al. in 5a-d would obviously be able to be transferred to a sheet. Moreover, it is inherent that a system capable of printing images on a sheet can also print medical information on the sheet. Therefore claims 9 and 18 remain rejected under the combination of Tung et al. Yuyama et al., Griffiths et al., ad Lourette et al.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 13-16, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US 5803498) in view of Yuyama et al. (US 5839836) and further in view of Griffiths et al. (US 5435600).

Regarding claims 1 and 23 Tung et al. discloses a system for supplying duplex pharmacy labels comprising: a sheet (2), the sheet having an obverse face (Fig. 1A-B) and a reverse face (Fig. 2A-B). the obverse face of the sheet including a first area (4A) and a second area (6A); a pair of peel-off labels (60), the reverse face of the sheet (Fig 2A-B) including a first area (4B) opposite the first area of the first side (**Col 7 lines 9-11**).

Tung et al. does not disclose a system for supplying duplex pharmacy labels comprising: a sheet, the first area of the obverse face including a pair of peel-off labels; a printer, the printer having an input arranged to receive the sheet, the printer further arranged to print on both faces of the sheet; a database, the database including patient specific data for a plurality of patients and medication specific data for a plurality of medications; and a controller, the controller operatively connecting the printer and the database, the controller arranges to forward patient specific data for a selected patient and medication specific data for a selected medication to the printer to thereby cause the printer to print patient specific data for the selected patient and medication specific data for the selected medication on the first area of the obverse face and on the first area of the reverse face.

Yuyama et al. discloses a printer (10),the printer having an input arranged to receive the sheet (**Fig 1 and Fig 2**); a database (14) including patient specific data for a

plurality of patients and medication specific data for a plurality of medications (**Col. 4 lines 18- 27; Col 6 lines 16-19, lines24-27; Col 16 lines 5-13**); a controller 13, the controller operatively connected to the printer and the database, the controller arranged to forward patient specific data for a selected patient and medication specific data for a selected medication to the printer (10) to thereby cause the printer to print the patient specific data for the selected patient and medication specific data for the selected medication on the first area of the obverse face and on the first area of the reverse face (**Fig. 2; Col 4 lines 13-17 Col 15 line 31- Col 16 line 2**).

Griffiths et al. discloses a system for supplying pharmacy labels comprising a sheet, the first area (28) of the obverse face (Fig 1) including a pair of peel-off labels (20 and 17) (**Col 5 line 67- Col 6 line 24**); a printer, the printer having an input arranged to receive the sheet, the printer further arranged to print on both faces of the sheet (**Col. 6 lines 62-64**).

Tung et al., Yuyama et al. and Griffiths et al. are combinable because they all incorporate a pharmaceutical marketing device and system.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al. with Yuyama et al. and Griffiths et al.

The motivation for doing so would be to have a printing apparatus that allows medication instructional sentences or the like to be printed in detail an in appropriate expressions responsive to differences among disease names, drugs, and patients, as divulged by Yuyama in Col. 1 lines 35-40, and to have the printer having an input

arranged to receive the sheet, the printer further arranged to print on both faces of the sheet as divulged in Col. 6 lines 62-64 by Griffiths et al.

Therefore it would have been obvious to combine Tung et al. with Yuyama et al. and Griffiths et al. to obtain the invention as specified in claims 1 and 23.

Regarding claims 2, and 14 Tung et al., as modified by Yuyama et al and Griffiths et al, does not disclose the system including a user interface operatively connected to the controller, the user interface enabling the user to input the selected patient and the selected medication.

Yuyama et al. discloses the system including a user interface operatively connected to the controller, the user interface enabling the user to input the selected patient and the selected medication (**Col 7 lines 4-10**).

Tung et al., Yuyama et al. and Griffiths et al. are combinable because they all incorporate a pharmaceutical marketing device and system.

Tung et al., Yuyama et al. and Griffiths et al. are combinable because they all incorporate a pharmaceutical marketing device and system.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al. with Yuyama et al. and Griffiths et al.

The motivation for doing so would be to have the system including a user interface operatively connected to the controller, the user interface enabling the user to input the selected patient and the selected medication as divulged by Yuyama et al. in Col 7 lines 4-10.

Therefore it would have been obvious to combine Tung et al. with Yuyama et al. and Griffiths et al. to obtain the invention as specified in claims 2 and 14.

Regarding claim 3, Tung et al. discloses the system as modified by Yuyama et al. and Griffiths et al. wherein the sheet includes at lest one fold line (54) dividing the sheet into a plurality of sections (**Col. 4 lines 43-45**).

Regarding claim 4, Tung et al., as modified by Yuyama et al. and Griffiths et al., does not disclose the system wherein the sheet includes a pair of fold lines (24 and 25) dividing the sheet into first, second and third sections.

Griffiths et al. discloses the system wherein the sheet includes a pair of fold lines (24 and 25) dividing the sheet into first, second and third sections (**Col. 4 lines 3-14**).

Tung et al., Yuyama et al. and Griffiths et al. are combinable because they all incorporate a pharmaceutical marketing device and system.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al. with Yuyama et al. and Griffiths et al.

The motivation for doing so would be to have the system wherein the sheet includes a pair of fold lines (24 and 25) dividing the sheet into first, second and third sections as divulged by Griffiths et al. in Col 4 lines 3-14

Therefore it would have been obvious to combine Tung et al. with Yuyama et al. and Griffiths et al. to obtain the invention as specified in claim 4.

Regarding claim 5, Tung et al. discloses the system as modified by Yuyama et al. and Griffiths et al. wherein the first and second area (4A and 6A) are disposed on the same section (**Fig 1A.**).

Regarding claims 6 and 16, Tung et al. discloses the system as modified by Yuyama et al. and Griffiths et al. wherein the sheet comprises a standardized form, at least a portion of the form containing preprinted information, the preprinted information being non-patient specific and non-vendor specific

(**Fig. 1A and 1B**).

Regarding claim 7, Tung et al. discloses the system as modified by Yuyama et al. and Griffiths et al. wherein a portion of the pre-printed information is in landscape format (**Fig 1A item 18; Fig 1B item 42**).

Regarding claims 13 and 24 Tung et al. discloses a system for supplying duplex pharmacy labels comprising: a sheet, the sheet having an obverse face (Fig. 1A and 1B) and a reverse face (Fig. 2A and 2B), the obverse face of the sheet including a first area (4A) and a second area (6A), a pair of pull-off labels (60) removably disposed on a backing surface, the reverse face (Fig. 2A and 2B) of the sheet including a first area (4B) opposite the first area of the first side (4A) (**Col 7 lines 9-11**).

Tung et al. does not disclose a system for supplying duplex pharmacy labels comprising: a sheet, the first area of the obverse including a pair of pull-off labels removable disposed on a backing surface, at least a portion of the first area of the reverse face formed by a reverse face of the backing surface; a printer, the printer having an input arranged to receive the sheet, the printer further arranged to print on both faces of the sheet; a database, the database including patient specific data for a plurality of patients and medication specific data for a plurality of medications; and a controller, the controller operatively connecting the printer and the database, the

controller arranges to forward patient specific data for a selected patient and medication specific data for a selected medication to the printer to thereby cause the printer to print patient specific data for the selected patient and medication specific data for the selected medication on the first area of the obverse face and on the first area of the reverse face.

Yuyama et al. discloses a printer (10), the printer having an input arranged to receive the sheet (**Fig 1 and Fig 2**); a database (14) including patient specific data for a plurality of patients and medication specific data for a plurality of medications (**Col. 4 lines 18- 27; Col 6 lines 16-19, lines24-27; Col 16 lines 5-13**); a controller 13, the controller operatively connected to the printer and the database, the controller arranged to forward patient specific data for a selected patient and medication specific data for a selected medication to the printer (10) to thereby cause the printer to print the patient specific data for the selected patient and medication specific data for the selected medication on the first area of the obverse face and on the first area of the reverse face (**Fig. 2; Col 4 lines 13-17 Col 15 line 31- Col 16 line 2**).

Griffiths et al. discloses a system for supplying pharmacy labels comprising a sheet The first area 28 of the obverse face (Fig 1) including a pair of peel-off labels (20 and 17) (**Col 5 line 67- Col 6 line 24**); at least a portion of the first area of the reverse face forms by the reverse face of the backing surface (**Col.6 lines 47-60**) a printer, the printer having an input arranged to receive the sheet, the printer further arranged to print on both faces of the sheet (**Col. 6 lines 62-64**).

Tung et al., Yuyama et al. and Griffiths et al. are combinable because they all incorporate a pharmaceutical marketing device and system.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al. with Yuyama et al. and Griffiths et al.

The motivation for doing so would be to have a printing apparatus that allows medication instructional sentences or the like to be printed in detail an in appropriate expressions responsive to differences among disease names, drugs, and patients, as divulged by Yuyama in Col. 1 lines 35-40, and to have the printer having an input arranged to receive the sheet, the printer further arranged to print on both faces of the sheet as divulged in Col. 6 lines 62-64 by Griffiths et al.

Therefore it would have been obvious to combine Tung et al. with Yuyama et al. and Griffiths et al. to obtain the invention as specified in claim 13 and 24.

Regarding claim 15 Tung et al. discloses the system as modified by Yuyama et al and Griffiths et al., the first area of the obverse face (4A) and the first area of the reverse face (4B) disposed on the same section are disposed on the same section (**Fig 1A and Fig 2A.**).

Tung et al., as modified by Yuyama et al. and Griffiths et al., does not disclose the system, wherein the sheet includes a plurality of fold lines dividing the sheet into a plurality of sections.

Griffiths et al. discloses the system, wherein the sheet includes a plurality of fold lines (24 and 25) dividing the sheet into a plurality of sections (**Col. 4 lines 3-14**).

Tung et al., Yuyama et al. and Griffiths et al. are combinable because they all incorporate a pharmaceutical marketing device and system.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al. with Yuyama et al. and Griffiths et al.

The motivation for doing so would be to have the system wherein the sheet includes a pair of fold lines (24 and 25) dividing the sheet into first, second and third sections as divulged by Griffiths et al. in Col 4 lines 3-14

Therefore it would have been obvious to combine Tung et al. with Yuyama et al. and Griffiths et al. to obtain the invention as specified in claim 15.

3. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US 5803498) in view of Yuyama et al. (US 5839836) and further in view of Griffiths et al. (US 5435600) and Richardson et al. (US 6161871).

Regarding claims 8 and 17 Tung et al., as modified by Yuyama et al. and Griffiths et al., does not disclose a system, wherein the patient specific data and the medication specific data are printed in landscape format on one of the faces and in portrait format on the other of the faces.

Richardson et al. discloses a system wherein the patient specific data and the medication specific data are printed in landscape format on one of the faces and in portrait format on the other of the faces (**Fig 1 and 2**).

Tung et al., as modified by Yuyama et al. and Griffiths et al., and Richardson et al. are combinable because they all incorporate a printing on a sheet.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al., as modified by of Yuyama et al. and Griffiths et al, with Richardson et al.

The motivation for doing so would be to have the patient specific data and the medication specific data printed in landscape format on one of the faces and in portrait format on the other of the faces as shown by Richardson et al. in Fig 1 and 2.

Therefore it would have been obvious to combine Tung et al with Richardson et al. to obtain the invention specified in claims 8 and17.

4. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US 5803498) in view of Yuyama et al. (US 5839836) and further in view of Griffiths et al. (US 5435600) and Bellesfield et al. (US 6282489 B1).

Regarding claims 10 and 19 Tung et al., as modified by Yuyama et al. and Griffiths et al., does not disclose the system, the database including location-specific data associated with the selected medication for a plurality of store locations, the controller arranged to forward location-specific data associated with the selected medication for a selected store location to the printer to thereby cause the printer to print the location-specific data for the selected store location on at least one of the obverse and the reverse face.

Bellesfield et al. discloses the system, the database (34) including location-specific data associated with the selected medication for a plurality of store locations, the controller (10) arranged to forward location-specific data for a selected store location

to the printer (22) to thereby cause the printer (22) to print the location-specific data associated with the selected medication for the selected store location on at least one of the obverse and the reverse face (**Col 3 lines25-34**; **Col 10 lines 1-3**).

Tung et al., as modified by Yuyama et al., Griffiths et al., and Bellesfield et al. are combinable because they all incorporate printing on a sheet.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al., as modified by of Yuyama et al. and Griffiths et al, with Bellesfield et al.

The motivation for doing so would be to have an apparatus and method for displaying a travel route between departure point and a destination point as divulged by Bellesfield et al. in Col 1 lines 2-5

Therefore it would have been obvious to combine Tung et al, as modified by Yuyama et al. and Griffiths et al., with Bellesfield et al. to obtain the invention specified in claims 10 and 19.

5. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US 5803498) in view of Yuyama et al. (US 5839836) and further in view of Griffiths et al. (US 5435600) and Lourette et al (US 6515760 B1).

Regarding claims 9 and 18 Tung et al., as modified by Yuyama et al. and Griffiths et al., does not disclose the system wherein at least a portion of the medication specific data on the reverse face is printed in landscape format and extends across the

first area of the reverse face and at least a portion of the second area of the reverse face.

Lourette et al. discloses the system, wherein at least a portion of the medication specific data on the reverse face is printed in landscape format and extends across the first area of the reverse face and at least a portion of the second area of the reverse face (**Fig 5a-d**).

Tung et al., as modified by Yuyama et al. and Griffiths et al., and Lourette et al. are combinable because they all incorporate printing on a sheet.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al., as modified by Yuyama et al. and Griffiths et al., with Lourette et al.

The motivation for doing so would be to have at least a portion of the medication specific data on the reverse face is printed in landscape format and extends across the first area of the reverse face and at least a portion of the second area of the reverse face as divulged by Lourette et al in Fig 5A-d.

Therefore it would have been obvious to combine Tung et al., as modified by of Yuyama et al. and Griffiths et al, with Lourette et al. to obtain the invention specified in claims 9 and 18.

6. Claims 11, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US 5803498) in view of Yuyama et al. (US 5839836) and further in view of Griffiths et al. (US 5435600) and McJohnson (US 4024511).

Regarding claims 11, 20, and 26 Tung et al., as modified by Yuyama et al. and Griffiths et al., does not disclose the system wherein the database includes a message data comprising a plurality of messages, the controller arranged to forward a selected message to the printer the thereby cause the printer to print the selected message on at least one of the obverse face and the reverse face.

McJohnson discloses the system wherein the database includes a message data comprising a plurality of messages, the controller (400) arranged to forward a selected message to the printer the thereby cause the printer to print the selected message on at least one of the obverse face and the reverse face (**Col. 4 lines 45-50**).

Tung et al., as modified by Yuyama et al. and Griffiths et al., and McJohnson are combinable because they both incorporate printing on a sheet.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al., as modified by Yuyama et al. and Griffiths et al., with McJohnson.

The motivation for doing so would be to have the system wherein the database includes a message data comprising a plurality of messages, the controller (400) arranged to forward a selected message to the printer thereby cause the printer to print the selected message on at least one of the obverse face and the reverse face as divulged by McJohnson in Col. 4 lines 45-50.

Therefore it would have been obvious to combine Tung et al., as modified by of Yuyama et al. and Griffiths et al, with McJohnson to obtain the invention specified in claims 11, 20 and 26.

7. Claims 12, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US 5803498) in view of Yuyama et al. (US 5839836) and further in view of Griffiths et al. (US 5435600), McJohnson (US 4024511) and Whitehouse (US 5319562).

Regarding claims 12, 20, and 27 Tung, as modified by Yuyama et al. Griffiths et al. and McJohnson, does not disclose the system wherein the message data comprises a plurality of message levels, the message levels including a default level, a date-specific level, a geographic-specific level, and a store-specific level.

Whitehouse discloses the system wherein the message data comprises a plurality of message levels, the message levels including a default level, a date-specific level, a geographic-specific level, and a store-specific level (**Col. 9 lines 34-41**).

Tung et al., as modified by Yuyama et al., Griffiths et al., McJohnson and Whitehouse are combinable because they both incorporate printing on a sheet.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al., as modified by Yuyama et al. Griffiths et al. and McJohnson, with Whitehouse.

The motivation for doing so would be to have the system wherein the message data comprises a plurality of message levels, the message levels including a default level, a date-specific level, a geographic-specific level, and a store=specific level as divulged by Whitehouse in Col. 9 lines 34-41.

Therefore it would have been obvious to combine Tung et al., as modified by of Yuyama et al., Griffiths et al. and McJohnson, with Whitehouse et al. to obtain the invention specified in claims 12, 21, and 27.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US 5803498) in view of Yuyama et al. (US 5839836) and further in view of Griffiths et al. (US 5435600), McJohnson (US 4024511) and Johnson et al. (US 5673252).

Regarding claim 22 Tung, as modified by Yuyama et al., Griffiths et al. and McJohnson, does not disclose the system wherein the plurality of message levels are prioritized.

Johnson et al. discloses the system wherein the plurality of message levels are prioritized (**Col. 61 lines 34-36**).

Tung et al., as modified by Yuyama et al. and Griffiths et al., McJohnson and Johnson et al. are combinable because they both incorporate a method for communicating data.

It would have been obvious at the time of the invention for one skilled in the art to combine Tung et al., as modified by Yuyama et al. and Griffiths et al., McJohnson and Johnson et al.

The motivation for doing so would be to have the system wherein the plurality of message levels are prioritized as divulged by Johnson et al. in Col. 61 lines 34-36.

Therefore it would have been obvious to combine Tung et al., as modified by of Yuyama et al. and Griffiths et al, McJohnson and Johnson et al. to obtain the invention specified in claim 22.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashan O. Patterson whose telephone number is 571-272-0597. The examiner can normally be reached on Mon - Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

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